

**Members:**

Sen. Robert Garton, Chairperson  
Rep. John Gregg, Vice-Chairperson  
Sen. Richard Young  
Sen. Harold Wheeler  
Sen. Joseph Harrison  
Sen. Patricia Miller  
Sen. Thomas Wyss  
Sen. James Lewis  
Sen. Earline Rogers  
Rep. Paul Mannweiler  
Rep. Mark Kruzan  
Rep. Dale Grubb  
Rep. William Cochran  
Rep. Charlie Brown  
Rep. Jeffrey Linder  
Rep. Richard Mangus



## **LEGISLATIVE COUNCIL**

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**LSA Staff:**

Philip J. Sachtleben, Staff for the Council

**Authority:** IC 2-5-1.1-1

### **MEETING MINUTES<sup>1</sup>**

**Meeting Date:** September 23, 1999  
**Meeting Time:** 10:30 A.M.  
**Meeting Place:** State House, 200 W. Washington St., 404  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Sen. Robert Garton, Chairman; Sen. Richard Young; Sen. Harold Wheeler; Sen. Patricia Miller; Sen. Thomas Wyss; Sen. James Lewis; Sen. Earline Rogers; Rep. John Gregg, Vice-Chairman; Rep. Paul Mannweiler; Rep. Mark Kruzan; Rep. William Cochran; Rep. Charlie Brown; Rep. Jeffrey Linder; Rep. Richard Mangus.

**Members Absent:** Sen. Joseph Harrison; Rep. Dale Grubb.

**Senator Garton, Chairman of the Legislative Council, convened the meeting, established the presence of a quorum, and excused the absent members.**

**Work plan for the Legislative Evaluation and Oversight Policy Subcommittee**  
**The Chairman asked Mr. Philip Sachtleben, Executive Director of the Legislative**

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Services Agency (LSA), to explain proposed Legislative Council Resolution 99-8 concerning the recommendations of the Legislative Evaluation and Oversight Policy Subcommittee. Mr. Sachtleben noted that the subcommittee, under the chairmanship of Senator Miller, has recommended that the LSA staff begin studying certain matters pertaining to the Department of Correction (DOC). The staff would report back to the subcommittee next Spring. The Chairman then recognized Senator Miller, who noted that the subcommittee had sent a letter to each member of the General Assembly asking for input on next year's Work plan and that the DOC issues dominated the replies.

After further discussion the Council unanimously adopted LCR 99-8 as proposed.

#### Code Revision Commission's drafting manual recommendations

At the request of the Chairman, Mr. Sachtleben explained the role of the Code Revision Commission in periodically recommending changes to the Form and Style Manual used by the LSA in preparing legislative documents. He noted that the revisions being proposed were aimed primarily at helping new staff attorneys develop a "checklist" for various types of drafting assignments.

Rep. Mangus asked whether the new language concerning state constitutional issues would alter the role that the LSA attorneys play with respect to constitutional questions. Mr. Sachtleben stated that the role of the LSA was to identify any portion of a bill (or amendment) request that could raise constitutional questions, and to then explain the question to the requesting legislator. He noted, however, that the final decision as to whether to include a constitutionally questionable matter within a bill or amendment remains with the legislator.

Rep. Brown then opened a discussion about "legislative intent". Mr. Sachtleben stated that the appellate courts in Indiana have historically held that trial courts should not accept individual legislators' statements about a bill as constituting legislative intent. Rather, the courts are to only look at the various changes made to a bill as recorded in the journals of the Senate and the House of Representatives.

Rep. Gregg suggested that any legislator who receives a subpoena concerning a particular piece of legislation should contact the Pro Tempore or the Speaker for advice and assistance in getting the subpoena quashed.

Senator Wyss reported that he had been asked to testify about the "breath test" legislation passed by the General Assembly. Senator Miller noted that she believes it would be useful to have guidance in these situations.

Senator Garton and Rep. Gregg agreed that a advisory letter to each legislator should be prepared by Mr. John Coldren and Mr. Jerry Williams.

Senator Garton then thanked the Code Revision Commission for its work. Senator Wheeler then moved, and Rep. Brown seconded, a motion to approve the recommendations of the Commission. This motion was unanimously adopted.

#### Requests to extend interim committee deadlines

Senator Garton announced that the Council had received several requests to extend the deadline (October 31) for interim committees to complete their work. He noted that Rep. Gregg and he were jointly recommending that the Council not honor any of the requests for extensions. Rep. Cockran asked whether some sort of "escape clause" might be in order. Senator Garton stated that the Council's rules include the extension request process for just that reason, but that the joint recommendation was based upon a determination by the Speaker and him that no such exigency existed this interim.

A motion to approve the joint recommendation of Senator Garton and Rep. Gregg to deny all requests for extensions was adopted by voice vote.

#### Conversion of the BMV Interim Study Committee into a two-year committee

Senator Garton stated that the Bureau of Motor Vehicles Study committee had requested the Council to extend its life by one year in order to permit the committee to complete each of the tasks assigned by the Council. Senator Garton noted that he and Rep. Gregg had agreed that the BMV committee was making progress and that it would be useful to maintain continuity by asking the same legislators to continue working on this topic next year.

Based on a question from Mr. Sachtleben, Senator Garton clarified that a motion to extend the life of the BMV committee by a year would not operate to permit the committee to hold meetings after October 31, 1999, and would not increase the BMV committee's 1999 appropriation from the Council.

A motion to extend the life of the BMV interim committee by one year was adopted by a voice vote.

#### Legislative Information Center (LIC) pricing of documents

Senator Garton asked Mr. Sachtleben to explain the next item on the agenda. Mr. Sachtleben stated that he was recommending that the Council consider two changes to the pricing policy of the LIC. The first recommendation was to drop the \$0.15 per page charge for a copy of a bill during the session. He noted that the State Board of Accounts requires thorough receipts for cash sales, and that this receipting process slowed down the process of getting bills out to the public. He explained that approximately \$19,100 was collected and transferred to the state general fund during the 1999 session.

Mr. Sachtleben's second suggestion for consideration was a review of the prices currently charged for the "all bill service" during the session. This service is used by 90 customers who pay \$650 (during a long session) to receive a copy of every version of every bill. The problem is that in 1999 it cost the General Assembly about \$1700 just to print the 33,000+ pages that went into each customer's box. The \$1700 does not include the cost of hiring temporary employees to collate the bills or any overhead/labor costs.

Senator Garton stated that it was his preference to assign these questions to the Data Processing Subcommittee and to ask the subcommittee to try to report back its findings at the next Council meeting. A motion to that effect was unanimously

adopted.

#### One-year extension of Graphics, Inc. printing contract for journals and session laws

The Chairman asked Mr. Sachtleben to review the next item of the agenda concerning the printing of the daily and bound versions of the journals of the Senate and the House of Representatives, and the Acts of Indiana for the 2000 session. Mr. Sachtleben noted that Ms. Carolyn Tinkle, Secretary of the Senate, and Ms. Lee Smith, Clerk of the House, and he had agreed to delete the requirement that the vendor secure a \$200,000 performance bond under the contract. This performance bond, in Mr. Sachtleben's opinion, existed solely to guarantee performance of the bill printing that the vendor had performed in the 1999 session. Since these bills would now be printed in-house he recommended that the vendor be released from this requirement. He also noted that Graphics, Inc. would be providing these printing services without any increase in prices for the 2000 session.

A motion by Senator Young (seconded by Senator Miller) to approve the one-year extension of the printing contract with Graphics, Inc. for the journals and the session laws for the 2000 session was unanimously adopted.

#### Continued Support of the State and Local Legal Center

The Chairman asked Mr. Sachtleben to explain the history of Indiana's support of the State and Local Legal Center. Mr. Sachtleben stated that ten years ago the Legislative Council by resolution authorized an annual donation of \$7,000 for ten years to support the Center. In a recent letter, Mr. Bill Pound, Executive Director of NCSL requested the Council to continue that support. In a telephone conversation, Mr. Pound had suggested that Indiana could choose one of three payment options if the Council determines that it wants to continue to support the Center. The options included a one-time payment of \$70,000, a multi-year payment that totals \$70,000, or continued annual payments of \$7,000. If the Council chooses options 1 or 2, Mr. Pound stated that Indiana will be considered to have permanently met its obligation to support the Center. If the third option is chosen, Indiana would (in ten years) be asked to continue support.

Rep. Mannweiler said that he was impressed with the work that the Center had done during the past ten years, and explained how the Executive Committee of the NCSL determined which cases were important enough to assign to the Center. He then suggested that Indiana select payment option 1 or 2 to complete its obligation of support.

The Chairman asked Mr. Sachtleben to contact Mr. Pound to determine the exact number of years option 2 would involve and to report back to the Council at its next meeting.

#### Other Business: Rep. Bischoff request concerning State Fair Advisory Commission

Senator Garton noted for the record that Rep. Bob Bischoff, as Chairman of the State Fair Advisory Commission, had requested the Council to permit a member of the Commission to attend the meetings of the State Fair Board. Senator Garton

noted that any legislator is free to attend these meetings, but that he and Representative Gregg did not feel it appropriate for the Council to in effect add an "ad hoc" (but non-voting) member to the State Fair Board. He stated that such a change would more appropriately be done by statute.

**Other Business: Request for funding for the Census 2000 Complete Count Committee**

Senator Garton stated that the Council had received a request from the Census Data Advisory Commission to use Legislative Council Contingency funds to support a portion of the Complete Count effort in Indiana. Mr. Sachtleben explained that the request was to pay \$385,000 toward the effort, although based on the request letter, the status of \$185,000 pledged by the Office of the Governor was unclear. If that \$185,000 materializes the request drops to an additional \$200,000.

The Council discussed the purpose of the Complete Count effort and various problems associated with the effort. Rep. Mangus added that certain communities such as the Amish, may not understand why participation in the census is important to the State.

Senator Miller asked what had been done during the 1990 census. Dr. Morton Marcus (who has been selected by the Governor to lead the Complete Count effort) discussed an \$180,000 appropriation in 1990. Dr. Marcus added several points supporting the proposition that Indiana needs to spend more than the \$185,000 for the 2000 Census.

Rep. Gregg asked Dr. Marcus why a request for funding had not been made during the 1999 session. Dr. Marcus said that his understanding was that members of the Census Data Advisory Commission were tasked to pursue such funding, but that apparently did not occur. He also stated that the Governor's Office and the Budget Agency said they would work on the appropriation.

After further questions to Dr. Marcus by the Council, Senator Garton stated that he was tabling this matter until further information could be gathered as to exactly what had happened with respect to this funding request during the 1999 session. He stated that the Council would schedule a meeting in 3 weeks (October 14) to take up this topic again.

**Adjournment**

There being no further business for the Council, the Chairman adjourned the meeting at 11:55 am.